REMARKS

The present application includes claims 22-54, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter, at least for the reasons discussed below.

Before addressing the rejections of the claims, the Applicant wishes to respond to page 2 of the Office action. In the first paragraph of page 2, the Examiner advises the Applicant regarding the use of the expression "the Internet protocol is TCP/IP", as used in claims 24, 31, 38, 45, 49, and 53. The term TCP/IP is used in these claims to represent that the Internet protocol of claims 23, 30, 37, 44, 48, and 52 is the TCP (transmission control protocol) over IP (Internet Protocol) protocol. The Applicants believe that the meaning of these claims is clearly understandable to one of skill in the art.

Claims 22-24, 28-32, 36-39, and 43-50 were rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,570,367 ("Ayanoglu"). Claims 25-27, 33-35, 40-41, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,128,959 ("Bruckert"). Claims 27, 35, 42, and 51-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,838,730 ("Cripps") and United States Patent No. 5,742,592 ("Scholefield"). Claims 27, 35, 42, and 51-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of United States Patent No. 5,483,676 ("Mahany"). Claims 25, 33, 40, and 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ayanoglu in view of Cripps. The Applicant respectfully traverses these rejections at least for the reasons set forth hereafter.

The Applicant first turns to the rejections of claims 22-24, 28-32, 36-39, and 43-50 as being anticipated by Ayanoglu. The Applicant respectfully submits that Ayanoglu does not teach or suggest "packetization of digital voice data," or "providing digital voice packets." The Office Action contends that Ayanoglu discloses conversion of sound (e.g., speech) into packets (e.g., col. 3, especially line 22). The Applicant respectfully disagrees. The Ayanoglu reference is silent with respect to converting sound into digital voice packets for transmission via a wireless transceiver, and with respect to receiving digital voice packets via the wireless

transceiver. The Office Action fails to specifically identify where in the Ayanoglu reference any use of voice packets is recited.

Additionally, the Office Action asserts that Ayanoglu discloses capture of data packets (using e.g., CDMA, TDMA). However, the Office Action does not explain how TDMA or CDMA use packetized digital voice data. The Applicant respectfully submits that TDMA and CDMA do not use voice packets. Instead, CDMA and TDMA use speech frames, but not digital voice data packets.

At least for the above stated reasons, the Applicant respectfully submits that Ayanoglu is different from and fails to anticipate the Applicant's invention as set forth in claim 22. Applicants believe that claim 22 is allowable over Ayanoglu. For similar reasons, the Applicant respectfully submits that Ayanoglu does not anticipate claims 23-24, 28-32, 36-39, and 43-50.

Additionally, with respect to claims 23, 30, 37, 44, and 48, the Applicant also respectfully submits that Ayanoglu does not teach or suggest a packet protocol that includes an internet protocol. Ayanoglu discloses a wireless communication system "between at least one wireless end-user device and at least one base station." Ayanoglu at Abstract. Ayanoglu also discloses the following:

> When wireless network 104 is a CDMA-based or TDMA-based digital system, no modem is needed for end-user devices 101, 102 and 103. However, cellular telephone set 151, 152 and the telephone set integrated with PDA 103 must implement a physical layer protocol **such as the well-known Radio Link Protocol (RLP)**, for communications with the digital wireless network 104.
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> Data generated by cellular computing devices 10 and 11 and PDA 103 are packetized using, for example, a packet assembler/disassembler.

Id. at column 3, lines 6-23 (emphasis added). Ayanoglu discloses a system in which data within a wireless network is packetized according to a "physical layer protocol such as the well-known Radio Link Protocol." Ayanoglu, however, does not teach, nor suggest, a system or method in which a processing circuit "packetizes digital voice data according to a packet protocol comprising an internet protocol," as recited, for example, in claim 23.

Ayanoglu does disclose the "internet":

> Also shown in the diagram of FIG. 1 is land-line network 140, which is connected to the wireless network 104 and to the processor 160 via physical facilities 130 and 150, respectively. Land-line network 140 is a Public Switched Telephone Network (PSTN) comprised of a plurality of interconnected switches arranged to route a call to a destination selected by a caller. Alternatively, **land-line network 140 may be a public or private data communications network, such as the Internet,** or an Asychronous-Transfer-Mode-based network connected to the PSTN.

Id. at column 2, lines 51-60 (emphasis added). As mentioned above, the data packetization that occurs with respect to the wireless network **must** implement a physical layer protocol such as Radio Link Protocol. Ayanoglu's land-line network, which is separate and distinct from the wireless network, may be a data communications network such as the internet.

Ayanoglu, however, does not teach or suggest that the land-line network packetizes "digital voice data according to a packet protocol comprising an internet protocol." Instead, Ayanoglu only states that the land-line network may be a data communications network such as the internet. Further, Ayanoglu discloses a system in which data within a wireless network is packetized according to a "physical layer protocol such as the well-known Radio Link Protocol." Ayanoglu does not, however, teach or suggest, a system or method in which a processing circuit "packetizes a digital voice data according to a packet protocol comprising an internet protocol," as recited, for example, in claim 23. The Applicant respectfully submits that Ayanoglu does not anticipate claims 23, 30, 37, 44, and 48 at least for this reason.

With respect to the remaining claim rejections, the Applicant respectfully submits that the proposed combination of Ayanoglu and any of Bruckert, Cripps, Scholefield, Mahany, and/or Gilhousen does not render any claims of the present application unpatentable at least for the reasons discussed above.

The Applicant respectfully submits that claims 22-54 of the present application are in condition for allowance at least for the reasons discussed above and request reconsideration of the claim rejections. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the Applicant. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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